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JAN 17 2005

Serial No.: 10/772,958

REMARKS

Claims 1-6 are pending in the application. Favorable reconsideration of the application is respectfully requested.

I. REJECTIONS OF CLAIMS 1-6 UNDER JUDICIALLY CREATED DOCTRINE OF OBVIOUSNESS-TYPE DOUBLE PATENTING

Claims 1, 2, 4 and 5 stand rejected under the judicially created doctrine of obviousness-type double patenting based on commonly assigned U.S. Patent No. 6,280,812 in view of Tolde et al. Claims 1-6 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting based on copending and commonly assigned U.S. Application No. 10/772,807.

Applicants do not agree with the basis of the rejections. In the interest of expediting favorable prosecution, however, Applicants are submitting herewith Terminal Disclaimers with respect to U.S. Patent No. 6,280,812 and U.S. Application No. 10/772,807. The Commissioner is hereby authorized to charge the fee for the Terminal Disclaimers to Deposit Account No. 18-0988 (Docket No. YAMAP0388USJ).

The above-noted Terminal Disclaimers are thereby used to overcome the rejections. Withdrawal of the rejections is respectfully requested.

II. CONCLUSION

Accordingly, all claims 1-6 are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

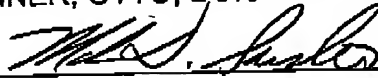
Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

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Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988.

Respectfully submitted,

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DATE: January 17, 2005

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